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EXAMINER

GREGG, MARY M

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/651,076	Applicant(s) GRANNAN ET AL.	
	Examiner MARY GREGG	Art Unit 3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 16-24, 50, 51 and 53-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 16-24, 50-51, 53-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a Final Office Action in response to communications received January 16, 2008. Claims 25-28, 42-49 and 52 have been canceled. Claims 1, 8-10, 16-17, 17-33 have been amended. Claims 11-15 and 29-41 have been withdrawn. Claims 53-62 have been added. Therefore, claims 1-10, 16-24, 50-51 and 53-62 are pending and addressed below.

Response to Amendment/Argument

2. In the remarks submitted January 10, 2008 with respect to the 35 USC 103 of 7,313,005 (Maurad) in view of 6,822,663 (Wang) rejection with respect to claim 1 the applicant argues (1) the prior art combination Maurad in view of Wang fail to disclose/suggest a content broker module to provide to a third party content provider a set of new usage rights associated with a previously purchased media asset, and to acquire a new digital rights license key provided by the third party...the new ...key to authorize the new usage rights requested by the subscriber, (2) the prior art combination does not teach/suggest receiving a request from the subscriber to obtain new usage rights associated with previous purchase.

In response to argument (1) the prior art combination Maurad in view of Wang fail to disclose/suggest a content broker module to provide to a third party content provider a set of new usage rights associated with a previously purchased media asset, and to acquire a new digital rights license key provided by the third party...the new ...key to authorize the new usage rights requested by the subscriber, the examiner respectfully disagrees. The prior art Maurad teaches a "clearing house" which provides licensing

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authority, which receives a request for a key from an intermediary, who then validates the authorization and verifies requested usage, then once the verification is complete sends the key ((Mau) Col 14 lines 8-22). Furthermore, the prior art teaches that if changes are needed by the clearing house, the clearing house decrypts the key modifies the watermark instructions and encrypts them using a new key ((Mau) Col 30 lines 34-47). therefore, the prior art is setting new usage conditions ((Mau) Col 10 lines 66-67-Col 11 line 1) associated with the content, which would be the obvious result of receiving a request for usage separate from the original usage rights provided. See rejection below.

In the remarks submitted January 10, 2008 with respect to the 35 USC 103 of 7,313,005 (Maurad) in view of 6,822,663 (Wang) rejection with respect to claims 2-7, the applicant argues (1) the claims are patentable be because they depend upon the argued features of the independent claim 1.

In response to argument (1) the claims are patentable be because they depend upon the argued features of the independent claims. The applicant arguments have been fully considered and were not persuasive. See response to arguments above with respect to the independent claims.

3. In the remarks submitted January 10, 2008 with respect to the 35 USC 103 of 7,203,066 (Abhuri) in view of 6,822,663 (Wang) and further in view of 5,926,624 (Katz) rejection with respect to claim 8, the applicant argues (1) the combination does not teach or suggest "providing a list of requested usage rights; receiving the content in a

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format compatible with the requested new usage rights from the at least one of the content provider websites.

In response to argument (1) the combination does not teach or suggest "providing a list of requested usage rights; receiving the content in a format compatible with the requested new usage rights from the at least one of the content provider websites, the examiner respectfully disagrees. The prior art Abburi explicitly teaches the user may enroll or withdraw from the license service with respect to the license attached to the user devices. Abburi further teaches that device license may "decay" requiring the user to update the expiration date ((Abb) Col 4 lines 16-30). Therefore the prior art teaches explicitly that the user request new usage rights from the content provider, the combination of Abburi and Wang as discussed in the previous Office Action teaches providing a list of media formats available, which implies the limitation "providing list of requested usage rights", in that the media formats available would inherently contain usage rights for the chosen devices as taught by Abbure and Wang. See rejection below.

In the remarks submitted January 10, 2008 with respect to the 35 USC 103 of 7,203,066 (Abburi) in view of 6,822,663 (Wang) and further in view of 5,926,624 (Katz) rejection with respect to claims 9-10, the applicant argues (1) the claims are patentable be because they depend upon the argued features of the independent claim 1.

In response to argument (1) the claims are patentable be because they depend upon the argued features of the independent claims. The applicant arguments have

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been fully considered and were not persuasive. See response to arguments above with respect to the independent claims.

4. Applicant's arguments with respect to claims 16-24 have been considered but are moot in view of the new ground(s) of rejection due to amendments submitted.

Interpretation of Claims

5. In determining patentability of an invention over the prior art, all claim limitations have been considered and interpreted as broadly as their terms reasonably allow. See MPEP § 2111.

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Pruter*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969). See MPEP § 2111.

All claim limitations have been considered. Additionally, all words in the claims have been considered in judging the patentability of the claims against the prior art. The following language is interpreted as not further limiting the scope of the claimed invention. See MPEP 2106 II C.

Language in a method claim that states only the intended use or intended result, but the expression does not result in a manipulative difference in the steps of the claim. Language in a system claim that states only the intended use or intended result, but does not result in a structural difference between the claimed invention and the prior art. In other words, if the prior art structure is capable of performing the intended use, then it meets the claim

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 8-10 and 59-60 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In reference to Claim 8:

Claim 8 is directed toward the statutory category of a method (process), however according to Supreme Court precedent and recent Federal Circuit decisions, in order to be statutory under 35 USC 101 the process must (1) be tied to a particular machine or apparatus, or (2) transforms a particular article to a different state or thing (i.e. “machine-or transformation test”) If neither of these requirements is met by the claim, the method is not a patent eligible process under § 101 and is rejected as being directed toward non-statutory subject matter.

There are two corollaries to the machine-or-transformation test. First, a mere field –of-use limitation is insufficient to render an otherwise ineligible method claim patent-eligible. The machine or transformation must impose meaningful limits on the method claims scope to pass the test. Second, insignificant extra-solution activity will not transform an unpatentable principle into a patentable process. Therefore, reciting a specific machine or a particular transformation of a specific article is an insignificant step, such as data gathering or outputting, is not sufficient to pass the test.

As example of a method claim that would not qualify as a statutory process would be a claim that recited purely mental steps. Thus to qualify as a § 101 statutory process, the claim should positively recite the other statutory class (thing or product) to which it is tied, for example by identifying the apparatus that accomplishes the method steps, or positively recite the subject matter being transformed, for example by identifying the material being changed to a different state. (Diamond v. Diehr, 450 US 175, 184 (1981); Parker V. Flook, 437 US 584, 588 n.9 (1978); Gottschalk v. Benson, 409 US 63, 70 (1972); Cochrane v Deener, 94 US 780, 787-88 (1876)). Applicant is also directed to MPEP § 2173.05p, providing guidance with respect to reciting a product and process in the same claim and MPEP § 2111.02 [R3] providing guidance with respect to the effect of limitations within the preamble of a claim.

Examiner finds these method claims lack structure and fail the test cited above such as on a “computer readable medium” or “computer” or “processor”. One example of corrective action might be to place “electronically” before an action verb and “on computer (or other appropriate structure).”

For example in the claim:

“Method comprising:

Calculating a score

Assigning rank...”

Would need to become:

“Method comprising:

Electronically calculating a score on a processor...

Electronically assigning rank on a processor..."

This is just one elementary example to provide guidance however there many be various ways to overcome the 101 method without structure rejection.

In reference to Claims 9-10 and 59-60:

Claims 9-10 and 59-60 depend upon claim 8 and do not cure the deficiencies cited above, therefore, claims 9-10 and 59-60 are also rejected under 35 USC 101.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 1-2, 4-5 and 53-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,213,005 B2 by Maurad et al. (Mau), and in view of US Patent No. 6,822,663 B2 by Wang et al. (Wang)

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In reference to Claim 1:

Mau teaches:

(Currently amended) A content broker system comprising: memory **to** *(Language in a system claim that states only the intended use or intended result, but does not result in a structural difference between the claimed invention and the prior art. In other words, if the prior art structure is capable of performing the intended use, then it meets the claim; exemplary response for correction could be memory comprising: stored device profile table...)* store a device profile table accessible by a content broker module ((Mau) FIG. 3, Col 7 lines 5- 15);... and a content broker process server including the content broker module, the content broker module **to** *(Language in a system claim that states only the intended use or intended result, but does not result in a structural difference between the claimed invention and the prior art. In other words, if the prior art structure is capable of performing the intended use, then it meets the claim)* : provide to a third party content provider the ...wherein the list of media formats is retrieved from the memory ((Mau) Col 61 lines 19-26);... and acquire media content and a new digital rights license keys from the third party content provider ((Mau) Col 10 lines 19-20, 23-28) in response to a subscriber request, the new digital rights license key to authorize the set of new usage rights ((Mau) .

Mau suggest:

... the device profile table including a list of media formats that can be played by a subscriber media device ((Mau) FIG. 1A ref# 160; Col 61 lines 20-36)... list of media formats that can be played by the subscriber media device ((Mau) Col 9 lines 66-67, Col 61 lines 25-30,...provide to the third party a set of new usage rights associated with a previously purchased media asset; ((Mau) Col 12 lines 2-7, 25-35, Col 14 lines 7-25,

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Col 22 lines 20-30, Col 26 lines 10-20, Col 30 lines 35-60, Col 39 lines 57-67, Col 46 lines 65-67, Col 47 lines 1-19, Col 50 lines 11-28, Col 78 lines 40-60)

Wang teaches:

... the device profile table including a list of media formats that can be played by a subscriber media device ((Wang) FIG. 5, FIG. 7, FIG. 10; Col 8 lines 57-58, Col 10 lines 12-20, 55-57)... list of media formats that can be played by the subscriber media device ((Wang) FIG. 10; Col 10 lines 20-25),...

Mau teaches a metadata template the includes data fields required by end-user devices. Wang teaches that many devices do not have the capability of other devices ((Wang) Col 1 lines 39-41). Wang teaches a graphical layout to display a number of device types and then list of device names for the user to chose from ((Wang) Col 9 lines 30-35, 45-49). Mau teaches a database that is user accessible provided by the Content Provider to retrieve as much data as possible ((Mau) Col 61 lines 20-21), where the Content provider can tailor the template to identify the types data the Content provider can provide the end-user ((Mau) Col 61 lines 24-26). Mau teaches explicitly that the user condition definitions in Col 62 lines 20-51, which includes what kinds of media the user can use the copies on. Wang teaches it is needful to provide data types to be viewed properly must be formatted for the end users device and teaches the user in order to promote the proper format for the device to be provided, accessing and choosing from a table of device to expedite the process. Additionally Wang is teaches the motivation of optimizing the source content according to the capacities of the device. Therefore both prior art are teaching the user defines the device. Therefore, it would

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have been obvious to one of ordinary skill in the art at the time of the invention to expand Mau with the teachings of Wang in order to optimize the source content with the device.

In reference to Claim 2:

The combination teaches:

(Previously Presented) The content broker system of claim 1 (see rejection of claim 1 above), wherein the content broker process server has access to a database maintaining a media asset table ((Mau) Col 61 lines 20-22, that includes data associated with the acquired media content, the data received from the content broker module, the data including a unique identifier, a title, a category, a media type, a media characteristic, usage rights, a license key, a purchase date, a distributor purchase ID, a distributor unique content ID, and a distributor identifier ((Mau) Fig. 14, FIG. 23-24, FIG. 30-38).

In reference to Claim 4:

The combination Mau and Wang teaches:

(Previously Presented) The content broker system of claim 1 (see rejection of claim 1 above), further comprising a web server to: aggregate media content titles of media content available from the third party content provider; and provide subscriber access to the media ((Mau) Col 66 lines 20-22, 40-43) content as identified by the media content titles ((Mau) FIG 1D ref# 129, FIG. 7, Col 3 lines 55-59, Col 13 lines 30-33, Col 60 lines 50-55, 60-65, Col 35 table, Col 37 Table).

In reference to Claim 5:

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The combination Mau and Wang teach:

(Previously Presented) The content broker hosting service module system of claim 1 (see rejection of claim 1 above), further comprising a network interface that uses standard web services protocols to communicate with the third party content provider ((Mau) FIG. 6; Col 25 lines 60-61).

In reference to Claim 53:

The combination teaches:

(New) The content broker system of claim 1 (see rejection of claim 1 above), wherein the set of new usage rights comprise a right to store the previously purchased media asset on a specified device ((Mau) Col 10 line 67, Col 11 lines 1-3, Col 14 lines 6-25).

In reference to Claim 54:

(New) The content broker system of claim 1 (see rejection of claim 1 above), wherein the set of new usage rights comprise a right to store the previously purchased media asset in a specified format ((Mau) Col 10 line 67, Col 11 lines 1-3, Col 14 lines 6-25)

In reference to Claim 55:

(New) The content broker system of claim 1 (see rejection of claim1 above), wherein the memory is further to store a log of media assets previously purchased ((Mau) Col 14 lines 6-10).

In reference to Claim 56:

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(New) The content broker system of claim 1 (see rejection of claim 1 above), wherein the content broker module is further to provide to the third party content provider a license key obtained when the previously purchased media asset was purchased ((Mau) Col 14 lines 12-14)

In reference to Claim 57:

The combination teaches:

(New) The content broker system of claim 1 (see rejection of claim 1 above), wherein the device profile table further includes...

The combination does not explicitly teach:

... device portability information

Wang teaches:

... device portability information ((Wang) Col 2 lines 30-40)

The combination teaches disparate formatting requires for specific devices and teaches keys available for the multiple devices. Mau teaches a metadata template the includes data fields required by end-user devices. Wang teaches that many devices do not have the capability of other devices ((Wang) Col 1 lines 39-41). Wang teaches a graphical layout to display a number of device types and then list of device names for the user to chose from ((Wang) Col 9 lines 30-35, 45-49). Mau teaches a database that is user accessible provided by the Content Provider to retrieve as much data as possible ((Mau) Col 61 lines 20-21), where the Content provider can tailor the template to identify the types data the Content provider can provide the end-user ((Mau) Col 61 lines 24-26). Mau teaches explicitly that the user condition definitions in Col 62 lines 20-

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51, which includes what kinds of media the user can use the copies on. Wang is teaches the motivation of optimizing the source content according to the capacities of the device and teaches a need for a system that allows translation across multiple computer devices for greater convenience. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to expand Mau with the teachings of Wang in order to optimize the source content with the user devices.

11. Claims 3 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over

US Patent No. 7,213,005 B2 by Maurad et al. (Mau), and US Patent No. 6,822,663 B2 by Wang et al. (Wang) as applied to claim 1 above, and further in view of US Patent No. 7,290,288 B2 by Gregg et al. (Gregg).

In reference to Claim 3:

The combination Mau and Wang teach:

(Previously Presented) The content broker system of claim 1 (see rejection of claim 1 above),...

The combination does not teach:

...further comprising a single sign-on identity service, to maintain user accounts and authentication credentials including a password and biometric information.

Gregg teaches:

...further comprising a single sign-on identity service ((Gregg) FIG. 11, FIG. 16, FIG. 17, FIG. 24), to maintain user accounts and authentication credentials including a

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password and biometric information ((Gregg) Abstract lines 7-12, Col 1 lines 55-60, 62-63, Col 2 lines 1-5, 7-12, Col 5 lines 28-32).

Both the combination and Gregg explicitly teach transactions over the internet, which Gregg teaches is typically untrusted ((Gregg) Col 1 lines 13-14). Gregg teaches a need when transactions are enacted over unsecured networks for businesses to protect assets. In generating internet revenue Gregg teaches there must be control over account holder access, transaction tracking, account data and billing ((Gregg) Col 1 lines 18-21). Gregg additionally teaches that password schemes or vulnerable to fraud and that authentication of clientele through unique digital identification and or a biometric identification is desired when generating network transactions as it protects the consumer and the network provider. The combination teaches not only internet transactions but also tracking transactions with transaction ID's. The combination also teaches a need to ascertain and identifying multiple distinct user of a single player application though an identification process at the logging site ((Mau) Col 96 lines 27-31). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to expand the teachings of the combination to include the login in processes of Gregg in order to control account holder access, connect account data and beef up the transaction ID as taught by the combination.

In reference to Claim 6:

The combination Mau and Wang teach

(Previously Presented) The content broker system of claim 1 (see rejection of claim 1 above), ...and device profile information ((Mau) FIG. 18; Col 26 lines 50-51).

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The combination does not teach:

... wherein the third party content provider uses single sign-on credentials to a user's subscription to a hosting service and to initiate requests to obtain user

Gregg teaches:

... wherein the third party content provider uses single sign-on credentials to a user's subscription to a hosting service and to initiate requests to obtain user

((Gregg) FIG. 16; Col 16 lines 15-34, 63-65)

Both the combination and Gregg explicitly teach transactions over the internet, which Gregg teaches is typically untrusted ((Gregg) Col 1 lines 13-14). Gregg teaches a need when transactions are enacted over unsecured networks for businesses to protect assets. In generating internet revenue Gregg teaches there must be control over account holder access, transaction tracking, account data and billing ((Gregg) Col 1 lines 18-21). Gregg additionally teaches that password schemes are vulnerable to fraud and that authentication of clientele through unique digital identification and or a biometric identification is desired when generating network transactions as it protects the consumer and the network provider. The combination and Gregg also teach media purchases and are therefore overlapping in subject matter. Additionally, the combination teaches not only internet transactions but also tracking transactions with transaction ID's. The combination also teaches a need to ascertain and identifying multiple distinct user of a single player application through an identification process at the logging site ((Mau) Col 96 lines 27-31). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to expand the teachings of the combination to

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include the login in processes of Gregg in order to control account holder access, connect account data and strengthen the transaction ID and logging identification as taught by the combination.

In reference to Claim 7:

The combination, Mau, Wang and Gregg, teaches:

(Previously Presented) The content broker system of claim 6 (see rejection of claim 6 above), wherein the content broker module receives media content information, media file content, and rights usage license keys ((Mau) FIG. 6, FIG. 8-9, FIG. 12; Col 43 lines 14-45, Col 44 lines 62-64, Col 46 lines 18-20, 46-49, 62-63, 65-68) in response to a content purchase request by the user ((Mau) FIG. 10; Col 45 lines 49-52).

12. Claim 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,213,005 B2 by Maurad et al. (Mau), and US Patent No. 6,822,663 B2 by Wang et al. (Wang) as applied to claim 1 above, and further in view of US Patent No. 7,203,066 B2 by Abburi et al. (Abb).

In reference to Claim 58:

(New) The content broker system of claim 1 (see rejection of claim 1 above), wherein the device profile table further includes information related to whether a specified subscriber media device includes ((Wang) FIG. 10; Col 10 lines 20-25; ((Mau) Col 14 lines 7-10),...

The combination does not explicitly teach:

... a removable memory

Abb teaches:

... a removable memory ((Abb) Col 7 lines 27-35)

Abb is explicitly teaches licenses synchronized for multiple user devices. As taught by the combination each separate user device not of the same type requires different media formats and teaches of a need for the media data to be formatted for specific device types. Additionally, Wang teaches the motivation to optimize the source content according to the capabilities of the selected device and the flexibility of utilizing content across multiple devices. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include in the teachings of Abb which teach using multiple diverse devices the teachings of Wang to optimized media formats for separate user devices.

13. Claims 8-10 and 59-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,203,066 B2 by Abburi et al. (Abb), and further in view of US Patent No. 6,822,663 B2 by Wang et al. (Wang)

In reference to Claim 8:

Abb teaches:

(Currently amended) A method of distributing content, the method comprising: in response to a user purchase request for a selected content title ((Abb) Col 15 lines 22-23, Col 16 lines 6-7) purchasing content associated with the selected content title from at least one or more of the content provider websites ((Abb) Col 15 lines 39-46) ; providing user device characteristics...; receiving the content in a media format compatible with the requested new usage rights from the at least one of the content provider websites; receiving from a content provider media characteristics including

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media format and fidelity, along with the content and a new digital rights license key[[s]] ((Abb) Col 3 lines 43-49, Col 10 lines 37-42), the new digital rights license key to authorize the requested new usage rights ((Abb) Col 3 lines 60-67, Col 4 lines 1-10, 16-28).

Abb suggest but does not teach explicitly:

... of a user device, including a list of requested new usage rights compatible with the user device, to the at least one of the content provider websites...,

Wang teaches:

... of a user device, including a list of requested new usage rights compatible with the user device, to the at least one of the content provider websites ((Wang) FIG. 9, FIG. 10; Col 10 lines 15-25).

Abb is explicitly teaches licenses synchronized for multiple user devices. As taught by Wang each separate user device not of the same type requires different media formats and teaches of a need for the media data to be formatted for specific device types. Additionally, Wang teaches the motivation to optimize the source content according to the capabilities of the selected device. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include in the teachings of Abb which teach using multiple diverse devices the teachings of Wang to optimized media formats for separate user devices.

In reference to Claim 9:

The combination teaches:

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(Currently Amended) The method of claim 8 (see rejection of claim 8 above), further comprising adapting the content with regard to media format, resolution, fidelity, or bit rate to accommodate the requested new usage rights ((Abb) Col 3 lines 60-67, Col 4 lines 1-10, 16-28).

In reference to Claim 10:

The combination teaches:

(Currently Amended) The method of claim [[9]] 8 (see rejection of claim 8 above), wherein a hosting service obtains the new digital rights license key ... of the new digital rights license key ((Abb) Col 3 lines 60-67, Col 4 lines 1-10, 16-28).

Abb does not explicitly teach:

...and notifies the content provider website of receipt ...

Wang teaches:

...and notifies the content provider website of receipt ((Wang) Col 10 lines 9-11, Col 14 lines 62-65; wherein in Col 10 Wang teaches when action is done verification notice is sent; wherein Col 14 Wang teaches template includes copyright and content areas in quick message)

The combination teaches explicitly of the new license and key being sent to the user. Wang teaches a message acknowledging copyrights and content areas after adaption is made. A license is permission to use content areas. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a known technique to improve a similar method or product in the same way.

In reference to Claim 59:

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(New) The method of claim 8 (see rejection of claim above), wherein the requested new usage rights include a right to store a previously purchased media asset on a specified device ((Mau) Col 9 lines 65-67-Col 10 lines 1-5, Col 11 lines 1-18, Col 14 lines 10-25, Col 24 lines 23-28; wherein the prior art teaches imposing restrictions on use at the end user device which implies the individual devices are restricted, furthermore the prior art as cited teaches the key is hidden in the user device(s) which also implies that the usage right is device specific as a separate device would not have been embedded with the key.

In reference to Claim 60:

(New) The method of claim 8 (see rejection of claim 8 above), wherein the requested new usage rights include a right to store a previously purchased media asset in a specified format ((Mau) Col 9 lines 65-67-Col 10 lines 1-5, Col 11 lines 1-18, Col 14 lines 10-25, Col 24 lines 23-28; wherein individual user devices inherently require formats that will function on the devices, therefore the usage would require the asset to be a compatible (i.e. specified) format).

14. Claims 16-24, 50 and 61-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,822,663 B2 by Wang et al. (Wang) and in view of US Patent No. 7,203,066 B2 by Abburi et al. (Abb)

In reference to Claim 16:

Wang teaches:

(Currently amended) A system to provide a content brokerage service, the system comprising: a content broker process server including a content broker module

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to (*Language in a system claim that states only the intended use or intended result, but does not result in a structural difference between the claimed invention and the prior art. In other words, if the prior art structure is capable of performing the intended use, then it meets the claim*) provide to a subscriber of the content brokerage service access to a remote content provider ((Wang) FIG. 1, FIG. 2; Col 2 lines 32-40, Col 5 lines 49-61), to provide device profile information associated with a media device of the subscriber to the remote content provider ((Wang) FIG. 5-FIG. 8; Col 9 lines 30-39, 44-49); ...and a memory, the memory further to provide the device profile information to the content broker module ((Wang) FIG. 1, FIG. 2, FIG. 5: Col 5 lines 60-65, Col 6 lines 45-46, Col 8 lines 50-60)

Wang suggest but does not explicitly teach:

...and to receive from the remote content provider an updated license key to authorize a set of new usage rights associated with a previously purchased media asset; ...((Wang) Abstract; Col 2 lines 30-40)f

Abb teaches:

...and to receive from the remote content provider an updated license key to authorize a set of new usage rights associated with a previously purchased media asset; ... ((Abb) Col 3 lines 60-67, Col 4 lines 1-10, 16-28).

Although Wang does not explicitly teach a "license key", Wang does teaches a message acknowledging copyrights and content areas after adaption is made. A license is permission to use content areas. Ab teaches license keys to allow access to source material. Therefore, it would have been obvious to one of ordinary skill in the art at the

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time of the invention simply substitute a copyright access with a license key (i.e. one known element for another) to obtain predictable results.

In reference to Claim 17:

The combination teaches:

(Currently amended) The system of claim 16 wherein the content broker module is further to facilitate a distribution (see rejection of claim 16 above), ... Wang suggest: ...of the updated license key and media content to the at least one subscriber ((Wang) Col 14 lines 60-65).

Ab teaches:

...of an updated license key and media content to the at least one subscriber ((Abb) FIG. 1 ref # 20, #24, #50, FIG. 4 ref # 38, FIG. 20A, FIG. 20 C).

Although Wang does not explicitly teach a "license key", Wang does teach copyright and teaches accessing source data. Ab teaches license keys to allow access to source material. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention simply substitute a copyright access with a license key (i.e. one known element for another) to obtain predictable results.

In reference to Claim 18:

The combination Wang and Abb teach:

(Previously Presented) The system of claim 17, wherein the content broker module is to issue a request to the remote content provider to (see rejection of claim 17 above) ... and the media content ((Wang) Col 7 lines 20-25, Col 14 lines 60-65)

The combination does not explicitly teach:

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...distribute the updated license key ...

Abb teaches:

... to distribute the updated license key and the content ((Abb) Col 4 lines 22-35; FIG 4 ref # 36).

Both Wang and Abb are explicitly directed toward accessing source material for computer devices. Both Wang and Abb teaches that source data have limited accessibility. Abb teaches that license keys are used as a security measure on allowing access to source data. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Wang and Abb to have access to source data that has security access protocols.

In reference to Claim 19:

The combination Wang and Abb teach:

(Previously Presented) The system of claim 18 (see rejection of claim 18 above), wherein the content broker module is to receive a request from the subscriber (see rejection of claim 18 above)...

The combination does not teach:

...to distribute the updated license key to the subscriber

Ab teaches:

...to distribute the updated license key to the subscriber((Abb) FIG. 5B, FIG. 7 ref #701)

Both Wang and Abb are explicitly directed toward accessing source material for computer devices. Both Wang and Abb teach that source data have limited

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accessibility. Abb teaches that license keys are used as a security measure on allowing access to source data. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Wang and Abb to have access to source data that has security access protocols.

In reference to Claim 20:

The combination Wang and Abb teach:

(Previously Presented) The system of claim 19 (see rejection of claim 19 above),...

Wang does not teach explicitly:

...wherein the content brokerage service is to receive notification that an original content file is no longer accessible before the content broker module receives the request for the updated license key.

Abb teaches:

...wherein the content brokerage service is to receive notification that an original content file is no longer accessible before the content broker module receives the request for the updated license key ((Abb) FIG. 1, FIG. 12, FIG. 21).

Both Wang and Abb are explicitly directed toward accessing source material for computer devices. Both Wang and Abb teaches that source data have limited accessibility. Wang teaches that the user receives messages on content and copyright. Abb teaches that license keys are used as a security measure on allowing access to source data. Therefore, it would have been obvious to one of ordinary skill in the art at

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the time of the invention to combine the teachings of Wang and Abb to have information on the accessibility of source data that has security access protocols.

In reference to Claim 21:

The combination Wang and Abb teach:

(Previously Presented) The system of claim 16 (see rejection of claim 16 above), wherein the device profile information includes, and a first supported media format of the media device ((Wang) FIG. 10, Col 10 lines 20-25, ((Abb) FIG. 1, FIG. 3, FIG. 8, FIG. 4 ref # 32, FIG. 7 ref # 711, FIG. 12).

In reference to Claim 22:

The combination Wang and Abb teach:

(Previously Presented) The system of claim 16 (see rejection of claim 16 above), wherein the device profile information includes a memory address to identify a free memory block suitable to store distributed content data ((Wang) FIG. 1, FIG. 2; Col 6 lines 47-56, Col 9 lines 66-67, Col 10 lines 2-10, (Abb) ((Abb) FIG. 1, FIG. 12, FIG. 18, FIG 24, FIG. 25).

In reference to Claim 23:

The combination Wang and Abb teach:

(Previously Presented) The system of claim 16 (see rejection of claim 16 above), wherein the memory is further to store content asset information within a media asset table, the content asset information including, an indicator specifying media format ((Wang) FIG. 10, Col 10 lines 13-25, 50- 52).

In reference to Claim 24:

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The combination Wang and Abb teach:

(Currently amended) The system of claim 23, wherein the content asset information stored in the media asset table...(see rejection of claim 23 above),

The combination does not explicitly teach:

... further includes purchase data

Abb teaches:

... further includes purchase data ((Abb) FIG. 1, FIG. 12, FIG. 3, FIG. 8). Both Wang and Abb are directed toward accessing source data, Abb teaches that source data can be purchased. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention apply a known technique to a known method ready for improvement to yield predictable results.

In reference to Claim 50:

The combination Wang and Abb teach:

(Previously Presented) The system of claim 21 (see rejection of claim 21 above),

...

The combination does not teach:

...wherein the device profile information further includes a media device identification of the media device.

Abb teaches:

...wherein the device profile information further includes a media device identification of the media device ((Abb) Col 68 lines 41-49).

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Both the combination and Abb are explicitly directed toward accessing source material for computer device. The combination teaches explicitly of source material and devices needing to be compatible. Abb teaches device identifiers to coordinate with license to control source access within the criteria of the provider. The combination teaches limited accessibility to protect the rights of the source provider. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings the combination and Abb to further protect the content by coordinating the device and license with the source.

In reference to Claim 61:

The combination teaches:

(New) The system of claim 16 (see rejection of claim 16 above), wherein the set of new usage rights...

The combination does not explicitly teach:

... comprises a right to store (copy) the previously purchased media asset on a specified device ((Abb) Col 2 lines 55-64, Col 3 lines 1-10)

Both the combination and Abb are explicitly directed toward accessing source material for computer device. The combination teaches explicitly of source material and devices needing to be compatible. Abb teaches device identifiers to coordinate with license to control source access within the criteria of the provider. The combination teaches limited accessibility to protect the rights of the source provider. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to

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combine the teachings the combination and Abb to further provide access to the source material.

In reference to Claim 62:

The combination teaches:

(New) The system of claim 16 (see rejection of claim 16 above), wherein the set of new usage rights comprises a right to store (copy) the previously purchased media asset in a specified format ((Wang) abstract, Col 2 lines 55-60, Col 6 lines 46-55, ((Abb) Col 2 lines 55-64, Col 3 lines 1-10; wherein individual user devices inherently require formats that will function on the devices, therefore the usage would require the asset to be a compatible (i.e. specified) format).

Both the combination and Abb are explicitly directed toward accessing source material for computer device. The combination teaches explicitly of source material and devices needing to be compatible. Abb teaches device identifiers to coordinate with license to control source access within the criteria of the provider. The combination teaches limiting accessibility to protect the rights of the source provider. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings the combination and Abb to further provide access to the source material.

15. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,822,663 B2 by Wang et al. (Wang) and further in view of US Patent No. 7,203,066 B2 by Abburi et al. (Abb) as applied to claims 16 and 23 above, and further in view of US Patent No. 7,213,005 B2 by Maurad et al. (Mau)

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In reference to Claim 51:

The combination Wang and Abb:

(Previously Presented) The system of claim 23, (see rejection of claim 23 above) wherein the content asset information further includes...

The combination does not teach explicitly:

... a media asset identity, a media asset title, and a media asset category.

Mau teaches:

... a media asset identity, a media asset title, and a media asset category ((Mau) FIG. 14, FIG. 23-24, Fig. 30-38).

Both the combination and Mau are explicitly directed toward acquiring source material from a source provider. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a known technique to improve similar methods in the same way.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent 6,810,389 B1 by Meyer is cited for teaching flexible packaging application licenses. US Patent No. 7,203,844 B1 by Oxford is cited for being directed toward security protocol for digital copywrite control.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARY GREGG whose telephone number is (571)270-5050. The examiner can normally be reached on 4/10.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 5712726712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. G./
Examiner, Art Unit 3694

/James P Trammell/
Supervisory Patent Examiner, Art Unit 3694